

AFFIDAVIT
R. DELLO IOIO

STATE OF NEW YORK
COUNTY OF NEW YORK

)
) ss.
)

R. DELLO IOIO, being first duly sworn on oath, deposes and declares as follows:

1. I am above the age of 18, and I am competent to make this affidavit.
2. I am a former Home Instruction teacher since September 2015 for the New York City Department of Education (DOE) within Home Instruction Schools located at 3450 East Tremont Avenue, Bronx, NY 10465 DOE territory.
3. Prior to serving as a Home Instruction Teacher, I worked in various other teacher capacities within the DOE for a total of approximately 17 years until I was constructively discharged as a teacher on 3/10 2022 for refusing to submit to the Covid-19 vaccine. See **Exhibit A**
4. Home Instruction teaching is when a teacher goes into the home of a student and provides instruction or utilizes online computer technology to instruct a student wherever they are (home or hospital) due to some grave injury or illness the child may have. Students in the home instruction program do not attend school in the traditional school building.
5. However, I was placed on leave without pay starting 10/4/2021 after exercising my right to request to be exempt from the Covid-19 requirement issued by the New York City Department of Health.
6. On 9/1/21, I received an email from the Division of Human Capital that I should receive a vaccination by 9/27/21. See **Exhibit B**
7. On 9/18, I received an email from the Division of Human Capital that if I wanted to be exempt from the vaccine requirement that I was required to submit a request for a Religious or Medical Exemption through the DOC online automated portal Solas. No due date was stated. I was never notified by my principal or union of any deadline. See **Exhibit C**
8. The Division of Human Capital kept sending emails that vaccination proof should be submitted by 9/27/21. There was no religious exemption deadline stated.
9. On 9/24/21, I was emailed by the DOE Vaccination Team to submit vaccination proof. It was stated in the end, "If you have an approved exemption or leave your status will be updated shortly." See **Exhibit D** No deadline was stated.

10. In all my correspondences were with the DOE. I was never notified by the UFT how to construct a religious exemption. I was never offered any suggestions through the UFT about the Arbitration Agreement that they made with the DOE.
11. I was never given any direction or information by my supervisors, the DOE or UFT how to ask for a reasonable accommodation. The Arbitration Agreement of 9/10/21 was never properly explained to us. My Union Representative. never got involved.
12. I was never offered any safety equipment that would keep me safe from the airborne virus that causes Covid-19 and neither did any discuss what could be done to modify my job to make it safe for me and all the children that I taught.
13. In my entire 17 years as a teach for the DOE, I had never received any workplace safety training and neither was I instructed by the OSHA regulations on how to achieve and maintain a safe workplace during a communicable disease Pandemic.
14. All that I was told through the various communications was that it was "unsafe" to allow unvaccinated DOE employees into any of the DOE schools or buildings. However, I did not work in a DOE building, so it was my understanding that the vaccine requirements placed on DOE employees really did not apply to me.
15. Nevertheless, I submitted a request to be exempt from the vaccine requirement by submitting, as was instructed by DOC, a Religious Exemption on 9/20/21 through this online application called Solas. In my submission I explained that the basis for my refusal to submit to the DOE vaccine requirement was based on my Christian faith adheres to the Bible and its teaching which these vaccines violated. Mostly the fact that aborted stem cells were involved in the origination of the three Covid-19 shots makes their reception sinful to me. See **Exhibit E**
16. On 9/22, my request was denied through email by HR Connect online portal. See **Exhibit F**
17. No one ever called me or email me to ask any questions about how I thought I could continue to do my job and keep myself safe and the students that I teach safe during the Pandemic. There was no human dialog between myself and anyone at the DOE.

18. The denial letter, however, stated that my request for vaccine exemption was denied because my written submission failed to meet the criteria for a religious based accommodation. However, I was never provided any information regarding what the "criteria" was that would provide me with an accommodation.
19. The denial letter stated, in summary:

Per the Emergency Order by the New York City Commissioner of Health, unvaccinated employees cannot work in a Department of Education (DOE) building or other site with contact with DOE students, employees, or families without posing a direct threat to health and safety. We cannot offer another worksite as an accommodation as that would impose an undue hardship (i.e. more than a minimal burden) on the DOE and its operations. See **Exhibit G**
20. Although I was denied, I learned that other teachers were allowed to remain on the job unvaccinated and were allowed to teach students through the computer online remote education option.
21. I was only given one day to submit my appeal. Also, there was no directive why it was denied. Therefore on 9/23/21 I submitted my appeal with a note in the box that I would submit supporting documentation at my arbitration hearing.

See **Exhibit H**
22. On 9/30/21 my appeal was denied with no reason why it was denied. I was never given a hearing. See **Exhibit I**
23. I retained a lawyer and on 10/8/21, my lawyer Joshua Pepper wrote Human Resources to inquire why I was never permitted a hearing to plead by case. See **Exhibit J**.
24. On 10/8/21, Karen King from the United Federation of Teachers responded back that not all individuals were granted a hearing. See **Exhibit K**
25. On 11/19, I received an email from the Division of Human Capital that I could re-appeal through a citywide panel. Directions were given how to resubmit it through Solas. See **Exhibit L**
26. I have been placed on Leave Without Pay since 10/4/21 See **Exhibit M**. On 12/2/21, I submitted a re appeal to the City-Wide Appeal Panel with additional information explaining that my teaching assignment was remote and that there would be no undue hardship to allow me to continue to work as I had previously done throughout the pandemic.

27. Despite the additional information about the remote state of my teaching, on 1/7/21, I received an email to provide additional information by 1/14/22.
See **Exhibit N**.
28. During the several month-long process, I received weekly notices from the DOC instructing to get vaccinated.
29. After the denial, I filed a complaint with the EEOC claiming wrongful termination, harassment based on my religious faith and based on my health status as an unvaccinated person under the ADA.
30. Then on March 7, 2022, I received the email stating that I would be subject to termination, but I have not received a "good cause" disciplinary action/charge from the DOE pursuant to New York City Education Law 3020a. to permanently terminate me.
31. On 11/15/21 and 11/28/21 the Court determined that the agreement between the DOE and the City only allowing religious exemptions for the church was unconstitutional.
32. Since 10/4/21, this experience has put a tremendous amount of emotional stress on my life in ways that I could never imagine. The choices given either go on leave without pay or take a severance which included medical or be terminated and lose everything has devastated me. I own a house, I am not receiving any financial assistance. I have a mortgage to pay. Worrying about food, expenses have been overwhelming. I have had to depend on my family and friends to get me through this terrible ordeal. I have been depressed and handicapped because I am not allowed to work to support myself.
33. Since this vaccine mandate has taken effect, I am having trouble seeking employment in education. There are no employment options due to the fact I am unemployable in the city. There are no other alternatives but to leave the city and seek employment in another state or region. I have invested my time and my livelihood here in the city and it has destroyed my opportunities to succeed in this field.
34. Allowing me to continue to work remote through online computer equipment does not place any undue hardship on the DOE.
35. Also, the DOE has granted other teachers religious exemptions from the vaccine and have allowed them to continue to work in the schools.

36. I have recently learned through my contacts with Union leadership that the DOE has a shortage of approximately 1,000 teachers needed for remote online teaching because there are many more students demanding online instruction, but yet they are hiring new teachers and granting them the remote work positions, yet the DOE denied me the ability to continue to work remote.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

Dated this 15 day of April, 2022.

Remo Dello Ioio

R. DELLO IOIO

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

Subscribed and sworn to (or affirmed) before me on this 15 day of April 2022, by R. DELLO IOIO, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Witness my hand and official seal.

Signature of Notary Public

[Signature]
KEVIN T. MCCARTHY
Notary Public, State of New York
No. 02MC6320693
Qualified in Rockland County
Commission Expires March 18, 2023

COVID-19 Vaccination Mandate Related Exemption or Accommodation Application

EXHIBIT A

Division of Human Capital <DHC@schools.nyc.gov>

Sat 9/18/2021 10:49 AM

To: Division of Human Capital <DHC@schools.nyc.gov>

Dear Colleagues,

We are writing to let you know that DOE staff members may now apply in SOLAS for a COVID-19 Vaccination Mandate Related Exemption or Accommodation.

This COVID-19 Vaccine Related Exemption and Accommodation application is for:

- Religious Exemption requests to the mandatory vaccination policy
- Medical Exemption requests to the mandatory vaccination policy
- Medical Accommodation requests where an employee is vaccinated but is unable to mount an immune response to COVID-19 due to preexisting immune conditions.

Applications should be made via the following process:

- Applications must be made using the [Self-Service Online Leave Application System \(SOLAS\)](#).
- In SOLAS, employees should select the initial option to "Request Accommodation" and then the option to apply for an Exemption and Accommodation for COVID Vaccine-Related Reasons, and then indicate the category for the application.
- All applications require supporting documentation which must be submitted at the time of application.

More information can be found on the [Coronavirus Staff Update InfoHub page](#).

Thank you,

NYCDOE Division of Human Capital

Your application for a COVID-19 Vaccine Related Exemption or Accommodation has been received.

EXHIBIT B

solas_donotreply@schools.nyc.gov <solas_donotreply@schools.nyc.gov>

Mon 9/20/2021 8:32 AM

To: Delloloio Remo (09X505) <RDelloloio@schools.nyc.gov>

09/20/2021

Case#: A75876

File# 0755802

EMP ID: 381976

Dear REMO DELLO IOIO,

Thank you for submitting your application online!

Type of Application: COVID-19 Vaccine Related Exemption or Accommodation

Application Communications:

During your application process, all communications will be sent to your DOE e-mail account. You must continue to check your DOE e-mail, even if you listed a different preferred email address.

Changes to Your Application:

Unfortunately, you cannot make changes to your submitted application. If you need to make changes, you must withdraw this application and re-submit your request. To withdraw the application please log back into SOLAS: <https://dhrnycaps.nycenet.edu/SOLAS>.

Questions:

For technical questions regarding the SOLAS system, please call HR Connect at 718-935-4000 and refer to the case number at the top of this notice. For more information, you may also visit the HR Connect Employee Portal by logging in with your DOE/Outlook User ID and password at <https://doehrconnect.custhelp.com>.

Sincerely,

HR Connect

Medical, Leaves, and Records Administration

Please do not reply to this message via e-mail. This email address is automated.

Ref Number : GX5897335 N3350 ADA Submission

Your COVID-19 Vaccine Religious Exemption Application - Determination

EXHIBIT C

solas_donotreply@schools.nyc.gov <solas_donotreply@schools.nyc.gov>

Wed 9/22/2021 7:43 PM

To: Delloloio Remo (09X505) <RDelloIoio@schools.nyc.gov>

09/22/2021

Case#: A75876

File# 755802

EMP ID: 381976

Dear REMO DELLO IOIO,

We have reviewed your application and supporting documentation for a religious exemption from the DOE COVID-19 vaccine mandate. Your application has failed to meet the criteria for a religious based accommodation. Per the Order of the Commissioner of Health, unvaccinated employees cannot work in a Department of Education (DOE) building or other site with contact with DOE students, employees, or families without posing a direct threat to health and safety. We cannot offer another worksite as an accommodation as that would impose an undue hardship (i.e. more than a minimal burden) on the DOE and its operations.

This application was reviewed in accordance with applicable law as well as the Arbitration Award in the matter of your union and the Board of Education regarding the vaccine mandate.

Under the terms of the Arbitration Award, you may appeal this denial to an independent arbitrator. If you wish to appeal, you must do so within one school day of this notice by logging into SOLAS <https://dhrnycaps.nycenet.edu/SOLAS> and using the option "I would like to APPEAL". As part of the appeal, you may submit additional documentation and also provide a reason for the appeal.

Sincerely,

HR Connect

Medical, Leaves, and Records Administration

Please do not reply to this message via e-mail. This email address is automated.

Ref Number : GX5918277 N3418 COVID-19_VAX_ReligiousExempt_GenDenial

Your Appeal

EXHIBIT D

solas_donotreply@schools.nyc.gov <solas_donotreply@schools.nyc.gov>

Thu 9/23/2021 3:42 PM

To: Delloloio Remo (09X505) <RDelloIoio@schools.nyc.gov>

09/23/2021

Case#: A75876

File# 0755802

EMP ID: 381976

Dear REMO DELLO IOIO,

This notification confirms the receipt of your appeal of your denial of a COVID-19 vaccine mandate related exemption or accommodation. This appeal and your application materials and documentation are being forwarded to Scheinman Arbitration and Mediation Services ("SAMS") and independent arbitrators convened by SAMS who will consider your appeal.

Supplemental documentation may be submitted within 48 hours of your filing of the appeal to SAMS by emailing the applicable address below. Please include your name and union in the subject line and send from your DOE email.

UFT: AppealsUFT@ScheinmanNeutrals.com

CSA: AppealsCSA@ScheinmanNeutrals.com

Local 237: AppealsTeamstersLocal237@ScheinmanNeutrals.com

Local 891: AppealsLocal891IUOE@ScheinmanNeutrals.com

Sincerely,

HR Connect

Medical, Leaves, and Records Administration

Please do not reply to this message via e-mail. This email address is automated.

Ref Number : GX5925701 N3425 COVID-19_VAX_Exemption_Appeal

DOE Vaccination Portal

EXHIBIT E

NYCDOE <noreply@schools.nyc.gov>

Fri 9/24/2021 10:18 AM

To: Delloloio Remo (09X505) <RDelloio@schools.nyc.gov>



Dear Colleague,

You are receiving this email because our records indicate that you have not yet used the **DOE Vaccination Portal** to submit proof that you have received at least one dose of a COVID-19 vaccine, as required by the DOE's [COVID-19 Vaccine Mandate](#). **The deadline to upload this information is September 27.**

If you fail to meet this deadline, you will be removed from payroll and placed on Leave Without Pay status (LWOP) beginning Tuesday, September 28, unless you are on an approved vaccine exemption or leave.

While you are on Leave Without Pay (LWOP), you:

- Cannot enter your work or school site until you have taken corrective action to comply with the terms of the mandate
- Cannot work and will not receive compensation
- Cannot use annual leave, CAR or sick time

In order to avoid being placed on LWOP status, you must use the [DOE Vaccination Portal](#) to upload your proof of vaccination no later than September 27.

If you have an approved exemption or leave your status will be updated shortly. Employees who are on an annual or sick leave on 9/28 and have not uploaded proof of vaccination by 9/27 will also be placed on a LWOP. (Employees in certain titles including substitutes will be placed in another inactive status, not a leave without pay.)

For more information about where to get vaccinated, visit vaccinefinder.nyc.gov or call 877-VAX-4-NYC.

For the latest COVID-19 staffing updates, please [visit the Coronavirus Staff Update InfoHub page](#).

If you encounter technical issues using the Vaccination Portal, please contact the DOE Help Desk by [opening a ticket](#) online or calling 718-935-5100.

Sincerely,

DOE Vaccination Portal Team

SCHEINMAN ARBITRATION AND MEDIATION SERVICES

----- X

In the Matter of the Arbitration

X

between

X

NEW YORK CITY DEPARTMENT OF EDUCATION

Re: UFT.1726

X

and

X

REMO DELLO IOIO

X

----- X

Issue: Religious Exemption

Date of Hearing: _____

Award

APPLICATION FOR EXEMPTION: GRANTED [] DENIED [X] OTHER []



Arbitrator

Barry Peek

09/30/2021

Date

NYCDOE <noreply@schools.nyc.gov>

Thu 9/30/2021 10:27 AM

To: DelloIoio Remo (09X505) <RDelloIoio@schools.nyc.gov>



Dear Colleague,

You are receiving this email because our records indicate that you have not yet used the **DOE Vaccination Portal** to submit proof that you have received at least one dose of a COVID-19 vaccine, as required by the DOE's [COVID-19 Vaccine Mandate](#). **The deadline to upload this information is 11:59pm on Friday, October 1.**

If you fail to meet this deadline, you will be removed from payroll and placed on Leave Without Pay status (LWOP) beginning Monday, October 4, unless you are on an approved vaccine exemption or leave, you will not receive compensation. Additionally you may not use annual leave, CAR or sick time in lieu of Leave Without Pay.

In order to avoid being placed on LWOP status, you must use the DOE Vaccination Portal to upload your proof of vaccination no later than October 4.

If you have an approved vaccine exemption, or an approved leave your status will be updated shortly. Employees in certain titles including substitutes will be placed in another inactive status, not a leave without pay.

For more information about where to get vaccinated, visit vaccinefinder.nyc.gov or call 877-VAX-4-NYC.

For the latest COVID-19 staffing updates, please [visit the Coronavirus Staff Update InfoHub page](#).

If you encounter technical issues using the Vaccination Portal, please contact the DOE Help Desk by [opening a ticket](#) online or calling 718-935-5100.

Sincerely,

DOE Vaccination Portal Team

Notification of Leave Without Pay - PLEASE READ

EXHIBIT H

solas_donotreply@schools.nyc.gov <solas_donotreply@schools.nyc.gov>

Tue 10/5/2021 8:42 PM

To: Delloloio Remo (09X505) <RDelloioio@schools.nyc.gov>

10/05/2021

Case#: A75876

Dear REMO DELLO IOIO,

As you are aware, the independent arbitrator has denied your appeal for a medical or religious exemption to the COVID-19 vaccine mandate. As a consequence, **you are being placed on a Leave Without Pay (LWOP) because you are not in compliance with the [COVID-19 Vaccine Mandate](#). Your LWOP status goes into effect beginning with the first work day after you received the notification from the arbitrator** (which may be a different date than this notice).

While you are on Leave Without Pay (LWOP), you:

- Cannot work and will not receive compensation (but your medical benefits will continue)
- Cannot use annual leave, CAR or sick time
- Cannot enter your work or school site or work off-site
- Cannot reach out to students or families

In order to return to work and be removed from LWOP status, you must complete two steps using the [DOE Vaccination Portal](#):

- Upload proof that you have received your first dose of a COVID-19 vaccine. **Proof of COVID-19 Vaccine can be an image of your vaccination card, NYS Excelsior Pass, or another government record** and
- E-sign the attestation stating that you are willing to return to your worksite within seven calendar days of submission.

Once you have completed these two steps, your HR Director and supervisor will also be notified and will work with you to plan your return date.

If you have already been vaccinated and you have uploaded this information, you may report to work as usual in person and you will be put back on active status. If you get vaccinated in the future, please follow the steps above and be in contact with your school about a return date.

Please be advised that if you do not intend to return to the DOE, you will need to return all DOE property, including computers, IDs, blackberries, and keys, immediately. Failure to return any DOE property that has been assigned to you will delay the processing of your final payment and any payout of leave time.

Employees represented by UFT or CSA who have been placed on LWOP due to vaccination status may select (in SOLAS) special separation or leave options per the arbitration award:

- **Separation with benefits** (available in SOLAS as of Monday, October 4): Employees choosing to separate under this option:
 - **Must share their intention to separate via SOLAS by October 29, 2021.**

- Will be required to waive their rights to challenge the involuntary resignation, including, but not limited to, through a contractual or statutory disciplinary process
 - Will be eligible to be reimbursed for unused CAR/sick leave on a one-for-one basis at the rate of 1/200th of the employee's salary at departure per day, up to 100 days, to be paid out following the employee's separation
 - Will be eligible to maintain health insurance through September 5, 2022, unless they have health insurance available from another source.
- **Extend the leave without pay due to vaccination status through September 5, 2022** (available in SOLAS as of Monday, November 1 through November 30, 2021):
 - Employees choosing this option will also be required to waive their rights to challenge their involuntary resignation, including, but not limited to, through a contractual or statutory discipline process
 - They will remain eligible for health insurance through September 5, 2022
 - Employees who have not returned by September 5, 2022 shall be deemed to have voluntarily resigned
 - Beginning December 1, 2021, the DOE will seek to unilaterally separate employees who have not selected one of the options above or otherwise separated service.

For more information about where to get vaccinated, visit vaccinefinder.nyc.gov or call 877-VAX-4-NYC. For the latest COVID-19 staffing updates, please [visit the Coronavirus Staff Update InfoHub page](#).

Sincerely,
NYCDOE Division of Human Capital

Ref Number : GX5971980 N3446 COVID_Vax_LWOP

Law Office of Joshua Pepper, PLLC

30 Wall Street, 8th floor
New York, NY 10005-2205
(212) 804-5768
jpepper@jpeppersq.com

October 8, 2021

Human Resources
NYC Department of Education
65 Court Street, Rm 102
Brooklyn, NY 11201

Re: Remo Dello Ioio, File No. 755802

To whom it may concern:

I write on behalf of my client Mr. Remo Dello Ioio. He has been employed with you for nineteen years. On September 20, 2021, soon after the Department of Education (“DOE”) implemented its vaccine mandate, Mr. Dello Ioio applied for a religious exemption from that mandate, pursuant to DOE policy. On September 22, he was informed that his request had been denied. The denial notice contained no information regarding the reason for the denial. As per the instructions he was given, Mr. Dello Ioio appealed the denial through the portal the next day. He did not submit additional documentation because, without explanation for the denial, Mr. Dello Ioio wanted to provide all supporting documentation at an arbitration hearing. His understanding was that all applicants would be given such hearings, and I have heard that the independent arbitrator is interviewing DOE employees who have requested religious exemptions.

On September 30, Mr. Dello Ioio received a notice that his appeal was denied with no explanation. The next day, he received another notice stating that his appeal was pending. This contradiction gave him reason to believe that he would receive an arbitration hearing as he had originally thought. But on October 5, he received notice that an independent arbitrator had denied his appeal.

Mr. Dello Ioio has found this process to be highly confusing. He has never been given an explanation why his appeal was denied. Although he did not submit supporting documentation through the portal, this was in reliance on his understanding that he would have the opportunity to do so at his hearing. On my client’s behalf, I formally request that he be given a hearing or interview so that he may present his argument in full as to his entitlement to a religious exemption from the DOE’s vaccine mandate.

Very truly yours,

Joshua Pepper

Joshua Pepper

cc: Michael Mulgrew (via email)
Mike Sill (via email)

Fwd: Remo Dello Ioio #755802

Joshua Pepper <jpepper@jpepperesq.com>
To: Remo Dello Ioio <rdelloioio2@gmail.com>

Fri, Oct 8, 2021 at 2:25 PM

FYI

EXHIBIT K

----- Forwarded message -----

From: **Karen King** <KKing@uft.org>
Date: Fri, Oct 8, 2021, 2:16 PM
Subject: RE: Remo Dello Ioio #755802
To: Joshua Pepper <jpepper@jpepperesq.com>

Hello,

Thank you for your email. Not everyone who has filed an appeal will have a hearing. The documents submitted are reviewed by the arbitrator and if, in the arbitrator's sole discretion, a hearing is warranted the arbitrator will schedule. Many were decided on the papers submitted.

Karen King

*Administrative Assistant to the Assistant Secretary &
Director of Personnel, Payroll, and Special Projects*

United Federation of Teachers

50 Broadway, 13th Floor

New York, N.Y. 10004

kking@uft.org

From: Joshua Pepper <jpepper@jpepperesq.com>
Sent: Friday, October 08, 2021 12:37 PM
To: Michael Mulgrew <MMulgrew@uft.org>; Michael Sill <MSill@uft.org>
Subject: Remo Dello Ioio #755802

Please see attached.

--

Joshua Pepper

Law Office of Joshua Pepper

30 Wall Street, 8th floor

New York, NY 10005

212-804-5768

jpepper@jpepperesq.com

www.jpepperesq.com



ltr.requesting.hearing.10.8.21.pdf

78K

Your Appeal to the Citywide Panel - Additional Information

EXHIBIT N

Division of Human Resources <DHR@schools.nyc.gov>

Fri 1/7/2022 7:06 PM

Colleague,

Your appeal of your religious exemption to the COVID-19 vaccine mandate has been submitted to the Citywide Appeal Panel. To assist the Citywide Appeal Panel in reviewing your religious exemption request, please provide the following additional information by Friday, January 14, 2022 at 8:00 pm:

1. Whether you have previously taken any vaccinations.
2. If you have stated that you have a personal religious aversion to foreign or other impermissible substances entering your body, please describe this with more clarity, including describing any other commonly used medicines, food/drink and other substances you consider foreign/impermissible or that violate your religious belief.
3. If you have stated that you cannot take the vaccine because of an objection to using derivative fetal cells in the development of a vaccine, please provide more information about your stated objection and whether there are other medications or vaccinations that you do not take because of this objection.
4. Any additional occasions you have acted in accordance with the cited belief outside the context of a COVID-19 vaccination, to the extent not previously described in the documentation already submitted.

To submit this information, please follow the steps below:

- Written responses should be sent in as an attached document to PanelAppealUpdate@schools.nyc.gov (*Do not send, copy, or reply to this email.*)
- Written responses must be received by email by Friday, January 14, 2022 at 8:00 pm
- Only attach new information/document - do not resend documentation that was already provided.
- Include your Name and Employee ID number in the subject line of your email.

If additional information is not provided, the Panel will consider your appeal based on the materials/information you already submitted through SOLAS.

Thank you,

NYCDOE Division of Human Resources

Reasonable Accommodation Appeal Determination

EXHIBIT O

noreply@salesforce.com <noreply@salesforce.com>
on behalf of
NYC Employee Vaccine Appeals <vaxappeal@dcas.nyc.gov>
Mon 3/7/2022 10:15 AM
To: Delloloio Remo (09X505) <RDelloloio@schools.nyc.gov>

The City of New York Reasonable Accommodation Appeals Panel has carefully reviewed your Agency's determination, all of the documentation submitted to the agency and the additional information you submitted in connection with the appeal. Based on this review, the Appeals Panel has decided to deny your appeal. This determination represents the final decision with respect to your reasonable accommodation request.

The decision classification for your appeal is as follows: The employee has failed to establish a sincerely held religious belief that precludes vaccination. DOE has demonstrated that it would be an undue hardship to grant accommodation to the employee given the need for a safe environment for in-person learning

For all employees other than DOE employees: Pursuant to the City of New York's policy concerning the vaccine mandate, you now have **three business days** from the date of this notice to submit proof of vaccination. If you do not do so, you will be placed on a leave without pay (LWOP).

For Department of Education (DOE) employees: Pursuant to New York City Department of Education policy, you have seven calendar days to extend your Leave Without Pay or return to work. If you do neither, you will be subject to termination. For further information and instructions, please see [DOE Denial of Appeal Information](#).



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

150 M Street, N.E.
Karen Ferguson , EMP, 4CON, Room 9.514
Washington, DC 20530

January 19, 2022

Mr. Remo Dello Ioio
3208 Barkley Ave.
Bronx, NY 10465

Re: EEOC Charge Against New York City Dept. of Education
No. 520202200117

Dear Mr. Dello Ioio:

Because you filed the above charge with the Equal Employment Opportunity Commission, and the Commission has determined that it will not be able to investigate and conciliate that charge within 180 days of the date the Commission assumed jurisdiction over the charge and the Department has determined that it will not file any lawsuit(s) based thereon within that time, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

The investigative file pertaining to your case is located in the EEOC New York District Office, New York, NY.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Kristen Clarke
Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: New York District Office, EEOC

New York City Dept. of Education